



Docket No.: 9988.081.00
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
KIM, Bo Yeon

Application No.: 10/717,974

Filed: November 21, 2003

For: CABINET COVER OF HOME APPLIANCE

Customer No.: 30827

Confirmation No. 8004

Art Unit: 3637

Examiner: HANSEN, James Orville

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

A Notice of Appeal is filed herewith. The Applicant respectfully request review of the Final Office Action mailed June 5, 2007 in the above-identified application.

Claims 1-14 are currently pending and are shown in the March 6, 2007 Supplemental Amendment.

The Office Action rejected claims 1-14 under 35 U.S.C. § 103(a) as being unpatentable over the Related Prior Art taught in the Applicant's disclosure (hereinafter "RPA") in view of U.S. Patent No. 2,452,805 to *Sussenbach* and U.S. Patent No. 4,989,752 to *Birtwistle et al.* (hereinafter "Birtwistle"). The Applicant respectfully traverses the rejection. The Office has not establish *prima facie* obviousness of the claimed invention.

As required in Chapter 2143.03 of the M.P.E.P., in order to "establish *prima facie* obviousness of the claimed invention, all the limitations must be taught or suggested by the prior art." The Applicant submit that neither RPA, *Sussenbach*, nor *Birtwistle*, either singularly or in combination, teach or suggest each and every element recited in claims 1-14. In particular, claim 1 recites a cabinet cover of a home appliance which includes, among other features, "an aesthetic member...wherein a peripheral edge of the aesthetic member is attached to the rear side of said

cabinet cover body with a weld joint formed at the peripheral edge of the aesthetic member; and the front side surface of said aesthetic member is attached to the rear side of the cabinet cover body by an adhesive agent.” Claim 7 recites an appliance cabinet cover which includes, among other features an aesthetic member wherein “the aesthetic member being attached to the rear of the cabinet cover body with an adhesive agent and a weld joint formed about a peripheral edge of the aesthetic member.” Claim 9 recites a cabinet cover of a home appliance which includes, among other features “an aesthetic member...having a front-side peripheral surface coupled with the rear side of said cabinet cover body, wherein the front-side peripheral surface of said aesthetic member is attached by an adhesive agent to the rear side of the cabinet cover body, wherein the aesthetic member is welded to the rear side of the cabinet cover body with a weld joint at a peripheral edge of said aesthetic member, and wherein the welding is performed after applying the adhesive agent and attaching the front-side peripheral surface of said aesthetic member to the rear side of the cabinet cover body.” None of the references either singularly or in combination, disclose at least these features.

As correctly pointed out in the Office Action, the RPA does not disclose a “front side surface of the member being attached to the rear side of the cover body via an adhesive agent” nor does RPA teach or suggest “a peripheral edge of the member attached to the cover body via a weld joint.” *See page 2 of the Office Action.* *Sussenbach* is introduced to allegedly overcome the deficiencies of RPA, specifically to teach “that it was known in the art to utilize both sealing means (S) and welding (welds) to attach two plates together.” *See page 2 of the Office Action.*

In addition, *Birtwistle* is introduced to allegedly overcome the deficiencies of both RPA and *Sussenbach*, specifically to teach “that the application of a weld along a peripheral edge of a member to be joined to another member is old and well known.” The Examiner alleges that “it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the securing technique of the prior art in view of Britwistle’s teaching because this arrangement provides a secure attachment seam along an edge of the joined member.” *See page 3 of the Office Action.* The Applicant respectfully disagrees.

As required by MPEP 2106, when determining the scope of the claimed invention, the claims must be considered as a whole. However, in the instant case, it appears that the Examiner has improperly dissected the claim into discrete elements rather than evaluate the

scope of the claim as a whole. Specifically, the scopes of independent claims 1, 7 and 9 require that the aesthetic member is attached to the rear of the cabinet cover body with adhesive in combination with a weld joint formed about a peripheral edge of the aesthetic member.

Neither RPA, *Sussenbach* nor *Birtwistle* teach or suggest attaching an aesthetic member to the rear of a cabinet cover body with an adhesive agent and a weld join formed about a peripheral edge of the aesthetic member, as recited in claims 1, 7 and 9.

Moreover, as required by *M.P.E.P. 2143.01*, in order for the teachings of the prior art to be successfully combined to obviate the claims, there must be some teaching, suggestion or motivation to combine the teachings of the prior art to produce such combination. The Applicant contends that in the instant case, there is no teaching, suggestion or motivation to modify the alleged combination of RPA in view of *Sussenbach* with the teachings of *Birtwistle*. Rather, the Examiner has employed impermissible hindsight using only the motivation taught by the Applicant's disclosure to modify the cited reference.

Specifically, *Sussenbach* teaches a seal for spot welded joints. In the welding method of *Sussenbach*, a sealing material S is placed between two metal plates. When the welding electrodes 11 are applied to the two plates, any seal that was between the plates melts and flows away from where the spot weld occurs. *See column 3, lines 49-55*. In other words, in addition to the weld spot, the sealing material also fixes one plate to the other.

Birtwistle teaches fillet welds 41 at the junction of two roof joints to seal the contents of the tank from the atmosphere. *See column 3, lines 26-30*. Further, *Birtwistle* fails to teach any secondary fixing means or sealing means.

In light of the above teachings, one of ordinary skill would not have been motivated to "modify the securing technique of the prior art in view of *Birtwistle*'s teaching," as suggested because teachings of the sealing function of the fillet welds taught by *Birtwistle* are unnecessary in the alleged combination of RPA in view of *Sussenbach*. The teachings of *Sussenbach* already discloses a sealing means S. Therefore, absent Applicant's disclosure, one of ordinary skill at the time the invention was made would never be motivated to include another sealing means in the alleged combination of RPA in view of *Sussenbach*.

Furthermore, by applying an adhesive agent to a front surface of the aesthetic member prior to spot welding aesthetic member to a rear of a cabinet cover, the adhesion strength between the aesthetic member is increased while eliminating the unsightly weld spots. This advantage is not found in the cited references. Therefore, the cited references cannot be considered to render the claims obvious.

For at least the aforementioned reasons, the Applicant respectfully submits that claims 1, 7 and 9 are patentably distinguishable over RPA in view of *Sussenbach* in view of *Birtwistle* and request that the rejection be withdrawn. Likewise, claims 2-6, 8 and 10-14, which variously depend from claims 1, 7 and 9 are also patentable for at least the same reasons as discussed above.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. § 1.136, and any additional fees required under 37 C.F.R. § 1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: September 5, 2007

Respectfully submitted,

By _____

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